

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

September 4, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of August 6, 2007 (Page 1 of 29)
2. **Public Hearing** for a Possible Zoning Changes to Condominiums, Townhouses, and Multi-family Dwellings in C-1, and C-2 Districts
 - Possible Adoption of the Zoning Change (Page 10 of 29)
3. **Public Hearing** for a Possible Zoning Change to the Road Subdivision Ordinance
 - Possible Adoption of the Zoning Change (Page 12 of 29)
4. **Public Hearing** for a Lot Line Vacation (for Mr. Edward L. Weilbacher)
 - Possible Adoption of the Ordinance (Page 21 of 29)
5. Ordinance Committee Report of August 8, 2007 (Councilman Ross) (Page 25 of 29)
The following action by the Committee occurred and will need to be acted upon:
 - Consider Proposed Adoption of the Revised Chapter 58, Article IV (Sec 107), Minimum Sight Distance at Intersections
6. Harbor Committee Report of August 8, 2007 (Councilman Howard) (Page 27 of 29)
7. Recreation and Community Enhancement Committee (Councilwoman Speidel) (Page 28 of 29)
8. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE August 6, 2007
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:35 p.m.

Invocation

Councilman Ross offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Open Forum/Public Participation.

- Mr. John Howard came before Council to discuss A & N Electric franchising. He has concerns about being tied down to one company for a very long time. He stated that if one wire is down on the island then they shut down power to the entire island, his concerns are over the large amount of people that are bed-ridden. He would recommend that the town ask for things that might be needed before they sign any contracts.

Agenda Additions/Deletions and Adoption

Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adopt the agenda as presented. The motion was unanimously approved.

1. Approval of the Minutes of the June 28, 2007 Special Council Meeting, and the July 2, 2007 Council Meeting.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes of June 28 and July 2, 2007, with an amendment on page 6 of agenda packet, number 3 Public Works Committee, change "Councilman Howard presented" to "Councilman Wolffe presented." The motion was unanimously approved.

2. Safety & Transportation Committee Report of July 2, 2007.

Mayor Tarr presented the following report to Council on the Safety & Transportation Committee meeting of July, 2, 2007:

- A. Emergency Management Report

i. Fireworks 2007 – Mr. Rush stated that we have just received conformation for the bus drivers. Little change with the bus route has occurred this year for the buses and the trolleys. We had a problem on Jester St. last year; to eliminate some confusion we have changed the routes slightly to accommodate the situation. Mr. Holland was okay to use the parking lot at the school, so we will use that parking lot. Public works will install two portable toilets at the school for the event. The Chamber has printed color copies of the hand out material for the various lodging agencies campgrounds which explained the bus and trolley routes for that evening.

ii. Bridge Closure Policy – Mr. Rush stated that the Hon Wanda Thornton had gotten in touch with her on the issue of emergency type situations which may occur and that we should be prepared. She suggested a plan put together in writing (MOU) with the Coast Guard to have ambulance on the other side of the bridge for such emergencies.

iii. Communications – Mr. Rush stated that all-hazards approach information document was mailed to citizens. The document was included with the annual mail out on the drinking water quality mail out. Mr. Rush also stated that the voice over testing with charter cable was tested on June 1, 2007. The system failed. Charter was notified and has since fixed the system. The system was tested again on June 19, 2007 and the system is now fully functional.

iv. Reporting - The Local Capability Assessment Report (LCAR) for 2007 was sent to the Department of Emergency Management on June 15, 2007. This annual reporting tool is used to justify Grant requests for the state in order to meet the objectives of the assessment.

v. Training - A Citizens Emergency Response Team (CERT) flyer was put in the local newspapers to see if there would be enough citizen interest to hold a class on Chincoteague. Only two individuals expressed interest and they were employees. Bryan Rush stated he will be teaching a fully state funded Emergency Medical Technician (EMT) class at the Chincoteague Fire Station beginning August 12, 2007. Class will meet Sundays, Tuesdays and Thursdays until early January 2008.

vi. EMS Staffing - Applications have been received. Interviews are scheduled for July 9th

vii. Information (Fire / EMS Study by the County) - The Accomack County Board of Supervisors approved the monies for a Fire and EMS study for budget FY 07. The study has been completed and is now ready for viewing. The study can be viewed at www.acdps.net.

The study suggests the Town of Chincoteague to hand over their three EMS employees to the County Department of Public Safety, to better streamline the county. It also suggests that the county charge a fire/EMS tax for Chincoteague. This tax revenue would be placed in the county's funds.

Also, the suggestion is for a countywide fire chief and that all companies turn their EMS billing money over to the county for services.

The Accomack County Fire Commission will hear a presentation from All Hands Consulting sometime in July. The Accomack County Board of Supervisors will hear a presentation from All Hands Consulting on August 6, 2007 about the suggestions.

viii. Bike Path Safety – Mr. Rush stated that he was informed by Councilman Ross about the drain across the street along Deep Hole Road has a large drop-off and some type of barrier would suffice. The Mayor mentioned that Mr. Cosby is taking care of the situation.

Councilman Ross made a comment that he would like to see a barrier similar to the barrier that the Assateague Park has along beach road near the pony pin.

B. Proposed lighting for the Chincoteague new Draw Bridge, starting from Maddox Blvd to where the old section of the causeway ends, including the spur to Marsh Island.

Mr. Ritter reported that on Tuesday June 12, 2007, American Bridge Company had a construction leadership meeting. He statement that the bridge would be safer if we had lighting on the new bridge. The bridge will be equipped with conduit and piers for the light poles. He understood that the engineer took out the lighting portion of the bridge due to cutting cost in order to have the bridge price come in close to budget. The lighting could be on every pier that they currently have on the project with light poles similar to the Robert Reed Park. He made the statement that we would be willing to take over the O & M of the lights, after the bridge has been turned over to VDOT or after the ribbon cutting ceremony. Mr. Ritter also stated that he discussed this with the Police Chief and the EMS Director about being a safety issue and they agreed that we should have lighting on the Bridge.

The Committee all agreed that lighting is a safety issue. Mayor Tarr requested that when this goes before council that we have more information on the type of lights that we are requesting.

Councilman Wolffe made a motion seconded by Mayor Tarr to recommend to Council that we request VDOT to include in the Bridge project the proper street lighting from Maddox Blvd and Main to where the old section of the causeway ends and new begins, including the new spur to Marsh Island.” The motion was unanimous.

3. Committee Member Comments

- Mr. Rush thanked Mr. Jester for all of his efforts and help with the EOP.
- Mr. Jester recommended that local churches have teams that are trained to respond to a severe storm or emergency situation. He also recommended that the Town develop an Emergency Equipment budget for each department.

Councilman Wolffe motioned, seconded by Councilwoman Conklin to approve the Safety Advisory Committee Report of July 2, 2007, as presented. The motion was unanimously approved.

Town Manager Ritter presented the following report regarding the lighting of the new bridge from the Safety Advisory Committee:

Mr. Ritter talked to numerous people including the Police Chief and EMS supervisor, most people stated that for safety reasons lights on the bridge should be a priority. The type of lights the town is looking at are the same lights that are used at the downtown park and they are designed not to shed light into the night sky.

The lights were originally supposed to be constructed with the bridge but were later dropped for fear of going over-budget. VDOT did however decide to include the conduit and pedestals in the current project. Since the project is now projected to be completed under-budget staff would like to ask VDOT to again include the light fixtures in the project.

Councilman Wolffe motioned, seconded by Councilman Howard to allow the Town Manager to write a letter requesting the lights be added to current construction. The motion was unanimously approved.

3. *The Cemetery Committee Report of July 24, 2007*

Councilman Howard presented the following report:

- a. There was a section of Bunting Cemetery that needed to be cleaned before Pony Penning, so the committee contracted Mr. Richard Taylor to clean the cemetery for \$75.00; also Greenwood and Mechanics Cemeteries have been cleaned recently.
- b. There is also a section of Christ Union Baptist Cemetery on Willow Street that may need some maintenance sometime this fall, the committee will get together and ride to the cemetery to look at its condition in the following weeks.
- c. The committee has been notified by a citizen that there is a headstone and footstone that was exhumed during construction of a project near the corner of Hallie Whealton Smith Road and Main Street. It is apparently a child's grave that is over 100 years old. The general consensus of the committee was to relocate the headstone and footstone over to Holy Ridge Cemetery.
- d. The committee currently has \$1,800 still left in the fund.
- e. Next meeting is scheduled for Tuesday, September 25, 2007 at 5:30 p.m.

Councilwoman Richardson motioned, seconded by Vice Mayor Speidel to approve the Cemetery Committee Report of July 24, 2007, as presented. The motion was unanimously approved.

4. *Bid Award for the Harbor Office & Restrooms*

On August 1, 2007 one bid was received for the construction of the Curtis Merritt Harbor office/restroom building and the addition of shower facilities at the downtown restrooms. Rocky Hill Contracting, Inc. of Kenbridge, VA was the only bidder. This is the third time this project has been put out to bid. The total cost from the bid was \$156,095. Councilman Wolffe asked if the town has received any references on prior projects by this contractor. Councilwoman Conklin stated they did the Catholic Church addition on Church Street, and work with NASA on many projects.

There was a motion by Councilman Howard, seconded by Councilman Wolffe to award the contract to Rocky Hill Contracting for the proposed projects at the Harbor and Downtown restrooms. Unanimously approved.

5. *Possible Zoning Changes to Condominiums, Townhouses, and Multi-family Dwellings in C-1 and C-2 Districts*

The issue has already been seen by the Planning Commission, and they have given the Town Council their recommendations for a motion. The Town Council has decided to send the issue to public hearing for comments and concerns with both alternatives for area and setback requirements.

There was a motion by Councilman Wolffe, seconded by Councilman Howard to set a public hearing for September 4, 2007 for the proposed change in the zoning ordinance for condominiums, townhouses, and multi-family dwellings in C-1 and C-2 Districts, pursuant to sec. §15.2-2204 of the Code of Virginia”. The motion was unanimously approved.

6. *House Demolition Request, Regarding an Unsafe Structure*

Mr. Ritter commented that there is a structure located at 5289 Main Street that staff feels is unsafe. Mr. Ritter presented pictures taken at the property to show to Council. Under the Town Code there is a provision where the Town can take action to rectify a structure that is deemed unsafe. There must be notification in a circulating newspaper for two consecutive weeks and there must have been notification by certified mail to the property owner regarding the unsafe structure. The town must also wait 30 days after notice to take any action. Staff is coming before Council to make sure it is alright to proceed with necessary actions. Councilman Howard asked how long there has been dialogue between the Town and the property owner, Mr. Ritter stated that it has been over a year and the property owner has taken no action to date.

There was a motion by Councilwoman Conklin, seconded by Vice Mayor Speidel to allow staff to advertise for bids to remove the unsafe structure located at 5289 Main Street and take the proper action toward recouping the demolition and removal costs. The motion was unanimously approved.

7. *Possible Zoning Change to the Road Subdivision Ordinance*

The issue of amending the roads subdivision ordinance has already been sent to the Planning Commission for comments and recommendations. The Council received those comments and recommendations and subsequently gave it to the Town’s Attorney for review. The Town’s attorney with staff has come up with recommendations for Council.

One of the main reasons this issue has come before Council is because of the unclear definition of a “road.” There was some uncertainty of where a road ends and a parking lot especially for Condominiums, Townhouses, and Multi-family dwellings begins. Councilman Ross questions if an aisle for a parking lot is considered a road. Mr. Poulson stated that aisles should not be considered roads. Councilman Wolffe has concerns over ingress/egress areas and how they may need to be better defined. At what point is it road and at what point does it become a parking lot.

Mr. Poulson stated that a developer cannot just connect with an existing road without someone else’s authorization (i.e. VDOT, Town of Chincoteague).

Councilman Wolffe commented that many people come to Council complaining about lack of maintenance on some of the private roads on the island. The reason the town cannot do anything about some of the roads are that they were developed before the Town annexed that particular area.

The proposed ordinance would allow private roads, but requires the developer or an association of owners maintain the roads as an agreement of getting the road to be private.

Mr. Poulson stated that if a developer designs roads to state specs it often drives up not only the construction costs but also the costs of the housing and may make properties unaffordable to people, which is one reason the town is proposing smaller minimum widths for private roads.

It was mentioned that the Planning Commission addressed parking lots, aisles, and marinas; they were not addressed by the Town Attorney but will instead be addressed separately because they are a different issue and also so staff can properly review those items.

There was a motion by Councilman Wolffe, seconded by Councilman Howard to send staff's recommended changes to the Land Subdivision and Development Ordinance to public hearing as presented with the addition of a number thirteen on page 45 of 86 of the agenda packet which states "The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on a sound engineering basis". The motion was unanimously approved.

8. *Conditional Use Permit Application, Ms. Christine Schreibstein*

There was a public hearing with the Planning Commission regarding a conditional use application for Ms. Christine Schreibstein. After proper notice and public hearing the planning commission made a recommendation to Council to approve the application.

Councilman Ross asked Mr. Anderson if the issue of parking came up in the discussion with the Planning Commission. Mr. Anderson stated that the issue of parking was addressed to some degree, but there was confusion on whether it should be addressed now or through the BZA. Councilman Ross has concerns about putting a commercial use in an R-2 district, also he does not want to see more congestion and traffic in residential areas. Mr. Anderson stated that currently there are three off-street parking spaces.

Councilman Wolffe asked why this use falls within the conditional use process. The reason is because complimentary medicine is not delineated as a type of business in the ordinance.

Councilman Howard stated that the Council might be setting a dangerous precedent by allowing the applicant to pick up customers and thus negate the need for parking spaces at the property.

Mr. Poulson stated that even if the use was acceptable by Council, to be permitted in R-2 the applicant should still be able to comply with the parking requirements of the zoning ordinance. Councilman Howard asked if the reason this issue is before Council tonight was to decide if it should go to public hearing or not. That is the reason; however Mr. Poulson advised that it might be better if staff collects more information before sending it to public hearing. It would also be advantageous to ask Mr. Kenny Lewis to come before council and

explain the situation as he understands it. Mr. Poulson cited Article IX, Section 9.3, (2), (g) as giving discretion to the Council to allow certain conditions that diverge from the Zoning Ordinance.

There was a lengthy discussion as to whether the applicant was applying for a Home Occupation or a Business License. More information would be needed to make that determination. Mr. Anderson did state that at the planning commission public hearing the applicant stated to the commission that she did not profess to be a physician, but rather the most appropriate term to describe the uses she is applying for is “complementary therapy.”

Another thing to consider is the fact that the applicant already has a business license for a vacation rental property at the residence.

Council members wanted to suspend discussion on this issue until staff can come back with additional information.

9. *Comprehensive Plan Focus Groups*

One of the main ideas to come out of the June 28, 2007 joint Council/ Planning Commission meeting with our consultant Pete Johnston was the idea of conducting stakeholder meetings. The idea for bringing this before Council was to get the go ahead to plan and coordinate for these stakeholder meetings.

The idea was to have several meetings on one day in the conference room or council chambers. Ideally there would be approximately 10 individuals in each session so as to get individual input.

There are concerns that there will be many people that want to participate and that keeping the groups small will be hard. Mr. Anderson stated that these meetings will not be closed so that even if a person or organization was not specifically invited they would still be allowed to participate. If staff feels there needs to be another day of holding stakeholder meetings then the consultant and staff will make accommodations for those people. The mayor stated that these meetings are only to get initial input from a small group before the consultant goes to public hearing.

Council has concerns over the date of August 29th they advised that it may be better to move the meeting(s) to the second or third week in September instead.

10. *Setting of Public Hearing for Lot Line Vacation*

Councilman Ross stated that this might be a unique situation because by dissolving this lot line it is adding land to a subdivision, in addition the two lots are in different zoning districts. Councilman Ross commented that the applicant should understand that when the lot line dissolves there will not be two zoning districts like there are currently and that the lot that was not in the subdivision will now be subject to any covenants or restrictions of the subdivision. There was a motion by Councilman Wolffe, seconded by Councilman Howard to send this issue

to set a public hearing for September 4, 2007 for the proposed Ordinance for a lot line vacation. The motion was unanimously approved.

11. Mayor & Council Announcements or Comments

- Mr. Ritter-asked if there was a need for the August recess session because there would be a light agenda and not enough time to properly advertise for the public hearings. Council decided to cancel the Council meeting for August 16, 2007.
- Vice Mayor Speidel- noticed that the downtown restrooms, and Memorial Park restrooms were not unlocked on Sundays, she asked Mr. Cosby if he could look into that.
- Councilwoman Conklin- asked if they could move the Budget and Personnel Committee meeting to August 28th at 5:30p.m. Council Agreed
- Councilman Howard- asked if the council would consider purchasing a plaque for the misplaced headstone and footstone of a child to describe why they were placed in Holy Ridge Cemetery.
- Mayor Tarr- wanted to remind people that Mr. Don Alexander from the Health Department would be holding a presentation at the Community Center at 7:00 p.m. August 13 to discuss new regulations regarding on-site sewerage among other things.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on Tuesday September 4, 2007 at 7:30 pm. Councilwoman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor and Town Council

Via: Mr. Robert Ritter, Town Manager

From: Jared B. Anderson, Town Planner

Date: August 30, 2007

Subject: Possible Zoning Changes- Condominiums, Townhouses, and Multi-family Dwellings.

After the public hearing, and careful consideration the Planning Commission recommended to Mayor and Council zoning changes to condominiums, townhouses, multi-family dwellings in C-1 and C-2. The zoning changes have been properly advertised in a generally circulated news paper (Eastern Shore Post on August 15 & 22, 2007) stating a public hearing will be held Tuesday, September 4, 2007. The Council made a motion to send to public hearing the recommended motion from the planning commission along with the alternative paragraphs for Section 4.1.40 and Section 4.6.1. The information provided in last month's packet (August 6, 2007) would still be the same information to read over and bring to the meeting. If you have missed placed your copy, please contact me as soon as possible so that we can get you a new copy. A possible motion after the public hearing could read:

MOTION

Repeal Sec.4.1.30. Townhouse
Repeal Sec.4.1.31. Condominiums
Repeal Sec.4.1.34. Multifamily dwelling
Repeal Sec.4.4.42. Townhouse
Repeal Sec.4.4.43. Condominiums
Repeal Sec.4.4.46. Multifamily dwellings

All such Sections shall be "Reserved."

Amend Sec 4.1.40. Any parcel which is located in two or more zoning districts may, at the property owner's request, apply the permitted usages of the district in which a majority of the parcel is located to the entire parcel, so long as it remains a part of the original lot.

Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38, or any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council, shall use R-3 area regulations.

Alternative Second Paragraph

Area and setback requirements for 4.1.28, 4.1.29, 4.1.32, 4.1.33, 4.1.35, 4.1.36, 4.1.37, and 4.1.38 shall use R-3 area regulations. Any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

Amend Sec. 4.3.1. *Lot Size.* No minimum lot size for permitted uses shall be required except as noted under 4.1.40.

Amend Sec. 4.6.1. *Lot Size.* No minimum lot size for permitted uses shall be required, with the exception that all residential uses, whether permitted as a matter of right or permitted pursuant to a conditional use permit issued by the Town Council, must comply with R-3 requirements.

Alternative

Sec. 4.6.1. Lot Size. No minimum lot size for permitted uses shall be required, with the exception that all residential uses permitted as a matter of right shall comply with R-3 requirements. Any townhouse, condominium, or multifamily dwelling development permitted pursuant to a conditional use permit by the Town Council shall be subject to such area and setback requirements as shall be required and provided for in said conditional use permit.

No such repeal shall affect any existing zoning and/or subdivision approval and/or any pending substantial bonafide working application for any such approval.

Any such amendments shall be effective upon adoption by the Town Council and approval by the Mayor.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

To: Mayor and Town Council

Via: Mr. Robert Ritter, Town Manager

From: Jared B. Anderson, Town Planner

Date: August 30, 2007

Subject: Supplemental Information for Public Hearing- Subdivision Ordinance, Roads

There were some concerns raised when this agenda item was presented. This memo will attempt to address some of the concerns. Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

Please review the information in last month's agenda packet. If you need this information please call myself or Mr. Ritter and we will promptly send you the materials.

From the August 6, 2007 Council Meeting Concerning Subdivision Roads:

Mr. Poulson stated that one of the reasons for addressing this issue was to get rid of the current definition of "roads" that basically stated a road goes right up to the Townhouse steps.

Councilman Ross has concerns that there are no standards for aisles going to and from parking spaces.

Mr. Poulson replied that those standards should probably be addressed in another section of the subdivision ordinance.

Councilman Wolffe has concerns over possible occurrences of lengthy ingresses/ egresses that would not fall under "roads" but which might look like a road rather than part of the parking lot.

On page 56 of 86 of the August 6, 2007 agenda packet the Planning Commission addresses some of these concerns such as Aisles, access, parking spaces, and parking lots. These items were omitted from current discussions with the assumption that they would be addressed separately because they should not be considered roads. These items could be addressed in the Zoning Ordinance, Article VI, Section C. Parking.

There was also concern over whether it is legal for the Town to implement number 11 on pages 44-45 of 86, "Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment."

This type of language according to the Town's Attorney is permissible and is tied to the consent of the subdivision application. The reason the Town cannot do anything about the roads in Ocean Breeze is that when the covenants and restrictions were formed Ocean Breeze was not part of the Town of Chincoteague and thus not the Town's obligation.

*These were the main concerns identified pertaining with this agenda item. This memo should be used as a supplement to the August 6, 2007 meeting minutes.

MEMORANDUM

To: Mayor and Town Council
From: Jared B. Anderson, Town Planner
Date: August 29, 2007
Subject: Subdivision Ordinance- Roads

This Memorandum is the same one given to Council on August 6, 2007 with the addition of number 13 on the fourth page. These proposed amendments will be what goes to public hearing. Please review and if you have any questions please feel free to contact me (email: jared@chincoteague-va.gov, or 336-6519).

An amendment to Section 14.09(a) and Section 15.05(a) would be as follows:

(a) ~~Public roads as may be required.~~ **Public roads developed in accordance with the Virginia Department of Transportation 2005 Subdivision Street Requirements, as may be amended from time to time, and eligible for addition to the secondary system of state highways maintained by the Virginia Department of Transportation and/or the Town of Chincoteague, if the developer intends for said roads to be public and not maintained by the developer and/or the owners of lots, parcels, or units within the subdivision; or alternatively, in the event that the developer does not intend such roads to be added to the secondary systems, and with the express written agreement of the subdivision agent, private roads satisfying the following requirements or criteria:**

- 1. Street Width and Right of Way.**
If there is to be No Parking on Street then there shall be a minimum of 18 feet of pavement width, and a 30 foot Right-of-Way.

If there is to be parking on one side of street then there shall be a minimum of 24 feet of pavement width, and 36 foot Right-of-Way.

If there is to be parking on both sides of the street then there shall be a minimum of 28 feet of pavement width, and a 40 foot Right-of-Way.

Larger widths may be required by the subdivision agent as deemed necessary due to use volumes, traffic densities, the inclusion, or engineering judgment.
- 2. Road Structure.** Paved surfaces shall be constructed in accordance with the current edition of the Virginia Department of Transportation (VDOT) “Pavement Design Guide for Subdivision and Secondary Roads.” Other surface materials may be approved for use by the subdivision agent if they are deemed appropriate for the soil characteristics and the intended use of the road.
- 3. Location.** Placement of streets will be considered in relation to existing and planned streets as well as pedestrian or other uses. Land use permits shall be required for connections to public roads.
- 4. Cul-de-sacs.** An adequate turnaround shall be provided at the end of each cul-de-sac, with additional right of way required as needed.
- 5. Sidewalks, Curbs, Gutters and Driveway Aprons.** Concrete structures shall be installed within the right of way and conform to the specifications of the Town of Chincoteague Drawing number 35, “Misc. Concrete Work”. If curb ramps are utilized they shall conform to the requirements of the Americans with Disabilities Act.
- 6. Drainage.** The developer shall provide the subdivision agent with an engineer’s drawing for approval depicting elevations, impervious surfaces and proposed drainage facilities. The developer shall construct all

drainage facilities in accordance with the requirements of the current edition of the VDOT Drainage Manual. If those requirements are not possible to fulfill, they may be waived by the subdivision agent. When required drainage construction necessitates an easement through property outside the right of way, such easement shall be obtained by the developer and shall not be less than ten feet in width. If the development site includes a drainageway that is considered vital for the stormwater management of areas outside the subdivision, the subdivision agent may require the developer to deed a maintenance easement to the Town.

- 7. Traffic Control. Signage and other traffic control devices shall be required in accordance with the current edition of the U.S. Department of Transportation's Federal Highway Administration "Manual on Uniform Traffic Control Devices". 911 signs shall be installed at intersections and street names subject to Town approval. The acquisition and installation costs for traffic control devices will be borne by the developer. If a traffic signal is required, it shall be installed at the developer's expense and in accordance with the requirements of the VDOT resident engineer.**
- 8. Utilities. Easements and utility installations shall be designed in accordance with the current requirements of the Code of the Town of Chincoteague, Virginia as well as any other applicable governmental body, agency or utility provider. It shall be the developer's responsibility to obtain all necessary permits or approvals.**

The developer is required to pay an inspection fee during construction in amount set by council each fiscal year.
- 9. Street Lights. Installation of street lights may be required by the subdivision agent at intersections to public roads. Installation shall be the responsibility of the developer and completed in a manner that meets the current requirements of the Town of Chincoteague, VDOT, and the electric utility.**
- 10. Performance and Surety Bonds. Performance and surety bonds shall be required in a form mandated by the subdivision agent.**
- 11. Maintenance. A legally enforceable covenant or agreement, not subject to modification or revocation, whereby the owners of such lots, parcels or units or an association comprised of such owners shall be financially**

obligated to maintain such private road in a manner that preserves the conditions created by the above requirements and criteria as deemed necessary by sound engineering judgment.

12. **Other conditions.** In making the determination whether to require public roads or permit private roads in any subdivision and the enforcement of the requirements or criteria set forth above, the subdivision agent shall give consideration to the number of lots involved in said subdivision, the relationship of said road to existing or planned roads, traffic density and volume, the convenience and safety of the public as well as the lot owners in the proposed subdivision, and to other considerations that may have a specific application to the proposed development site. In making the determinations required hereunder the subdivision agent shall consult with the roads engineer and other sources as deemed necessary. The subdivision agent reserves the right to require the developer to obtain professional engineering or consulting services as deemed necessary.
13. **The subdivision agent with the concurrence of the road engineer may make reasonable modifications or deviations from the above requirements or criteria as site conditions may deem necessary based on sound engineering judgment.**

Additionally Sections 16.03 and 16.04 should be repealed:

~~16.03. *Public roads.* The following standards shall apply to the layout of public roads:~~

- ~~(a) The arrangement, character, extent, grade, width, and location of all roads shall be acceptable to the roads engineer and shall be considered in their relation to existing and planned roads, to topography, to public convenience and safety and to the proposed uses of the land to be served by such roads.~~
- ~~(b) The road layout shall provide for the continuation or projection of roads already existing in the area, unless such extension is undesirable for reasons of topography, design, or safety.~~
- ~~(c) The name of any proposed road shall not be the same or similar to the name of any existing road, and shall be approved by the governing body, except that extensions of existing roads shall bear the same name as the existing road.~~
- ~~(d) Local roads shall be laid out so as to discourage their use by through traffic.~~

- ~~(e) If a portion of a parcel is not to be subdivided at the present time, suitable access for the future subdivision of such portion shall be provided, unless such unsubdivided portion is clearly unsuitable for development.~~
- ~~(f) Where stub roads are provided abutting unsubdivided land, temporary easements for turnarounds may shall be required by the roads engineer, zoning administrator or planning commission.~~
- ~~(g) Where natural features or the design concepts employed make their use appropriate, cul-de-sacs may be used. Cul-de-sacs shall not be more than 800 feet in length, except by permission of the town, and each cul de sac shall be terminated with a turnaround of not less than a 30-foot radius in diameter. that meets Virginia Department of Transportation specifications.~~
- ~~(h) Layout of roads shall minimize the number of access points to collector roads and arterial highways.~~
- ~~(i) Layout of roads shall minimize pedestrian and vehicle conflict points. The town may require the installation of sidewalks when such improvements are important to traffic safety.~~
- ~~(j) Alleys should be avoided whenever possible.~~
- ~~(k) Multiple intersections involving the junction of more than two roads shall not be used, except by permission of the town. Roads shall be laid out to intersect as nearly as possible at right angles.~~
- ~~(l) The minimum width of proposed roads, measured from lot line to opposite lot line, shall be as shown on the town's major road plan, or if not shown on such plan, shall be in accordance with Virginia Department of Transportation specifications.~~
 - ~~1. Collector roads, not less than 50 feet.~~
 - ~~2. Local roads, not less than 50 feet.~~
 - ~~3. Service roads and other roads, not less than 50 feet.~~
 - ~~4. Alleys, if permitted, not less than 20 feet.~~

~~When any subdivision abuts an existing public road with inadequate right of way, the town may require the developer to dedicate the necessary right of way to meet the~~

~~minimum right of way requirement as indicated above to the Virginia Department of Transportation.~~

- ~~(m) All proposed roads shall be constructed by the developer in accordance with Virginia Department of Transportation secondary urban roads specifications and requirements.~~
- ~~(n) The developer shall install at all intersections street signs of a design approved by the roads engineer at the expense of the developer.~~
- ~~(o) The town shall request a review of the application of the Subdivision Ordinance to a subdivision by the resident engineer to verify compliance with Virginia Department of Transportation specifications.~~

~~16.04. Private roads. The following standards shall apply to private roads:~~

- ~~(a) Private roads may not be platted within a subdivision, except when the subdivision is designated a small scale or low density development with the total number of lots to be served not exceeding ten. The developer shall specify on all plats that the roads are private and not subject to be maintained by the Commonwealth of Virginia or the Town of Chincoteague. The developer by written statement shall further agree to release, discharge and absolve all governmental agencies from all immediate and future responsibility with regard to the improvements or maintenance of the private roads and rights of way so established, and shall record such statement with the deeds of transfer for each lot fronting on a private road. (See addendum 5 for example.)~~
- ~~(b) Private roads shall have a right of way of not less than 30 feet for their entire length and shall connect to a public road, unless the town shall waive such requirement. In making such exceptions, the town may attach such additional requirements and limitations on the subdivision as it may judge appropriate.~~
- ~~(c) No private road access shall be established nor the number of lots served by an existing private road right of way increased unless the roads engineer approves the access of that private right of way to the public road system.~~

~~(d) No private road right of way shall be platted until the developer has specified in writing who is responsible for its improvement and maintenance. Such statement shall appear on the face of the plat and in each deed for abutting lots.~~

Under Section 2.02 -Definitions of the Land Subdivision and Development

Right-of-way. A strip of land dedicated or reserved for a road, crosswalk, sanitary or storm sewer, water main, drainage facility, public utility or other special use. **utilities, or other specific use to serve the lots within a subdivision. Any right-of-way for subdivision planning purposes under this Ordinance shall be required to be specifically shown on any plat. Any such right-of-way shall not be situated within the dimensions or area of any such platted lot, unless specifically permitted hereunder. The term “right of way” for land platting purposes under this ordinance shall mean that every right of way hereafter established and shown on a plat is to be separate and distinct from lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels.**

Road. Any public or private way set aside as a permanent right-of-way for ~~motor vehicle travel and affording the principal means to abutting properties. For the purpose of this ordinance, the word “road” shall include the words “streets,” “highway,” “land,” “avenue,” “boulevard,” “alley,” “lane,” and “drive.”~~ **vehicular traffic that results from the subdivision of land, including the entire area within the right-of-way. For purposes of this Ordinance the term “road” shall not include, except as may be specifically required by the Virginia Department of Transportation’s Subdivision Street Requirements, effective January 1, 2005, for inclusion into the secondary system of state highways, those areas within approved townhouse or condominium complexes designated for resident or guest parking and/or utilized to provide ingress and/or egress to and from such designated parking areas.**

The term “road” shall include, for the purposes of this Ordinance, the words street, highway, avenue, boulevard, alley, lane, and drive.

Road, private. A road owned by one or more persons, restricted in use and not maintained by the Town of Chincoteague, the Virginia Department of ~~Highways [Transportation] or~~ **Transportation, and** one not intended for acceptance **by the developer** into the state highway system.

Road, public. A road maintained by the Town of Chincoteague, ~~or the Virginia Department of Highways [Transportation],~~ **or** one intended for acceptance into the state highway system and approved by the roads engineer as meeting Virginia Department of ~~Highway [Transportation] specifications~~ **Subdivision Street Requirements, as herein provided.**

Prior to discussion, if Council so desires a motion could read “move to amendment Section 14.09(a) and Section 15.05(a), repeal Sections 16.03 and 16.04, and Under Section 2.02 - Definitions of the Land Subdivision and Development change to the following definitions; right-of-way, road, road private, and road public as presented

MEMORANDUM

THE TOWN OF CHINCOTEAGUE

TO: Mayor & Council

FROM: Robert G. Ritter Jr., Town Manager

DATE: August 30, 2007

SUBJECT: Proposed Lot line Vacation.

The proposed lot line to be vacated on Mr. David Landsberger's (Racing Moon, LLC.) property has been properly advertise in a generally circulated news paper (Eastern Shore Post on August 15 & 22, 2007) stating a public hearing will be Tuesday, September 4, 2007. The information provided in last month's packet (August 6, 2007) would still be the same information to read over and bring to the meeting. If you have missed placed your copy please contacted me as soon as possible so that we can get you a new copy. A possible motion after the public hearing could read:

“ Move to adopt the Ordinance for a deed of vacation for a lot line for a Mr. David Landsberger of Racing Moon, LLC.”

AN ORDINANCE VACATING A PROPERTY LINE OF A SUBDIVISION PLAT
PURSUANT TO §15.2-2272.2

WHEREAS, This deed of vacation is made this ____day of_____, 2007, by and between Racing Moon, LLC, a Maryland Limited Liability Company, N.C.L.T., LLP, New Jersey Limited Liability Partnership, John Toffey Dukes, III and Suzanne S. Dukes, husband and wife, parties of the first part, to be referred to as “Grantors” and “Grantees” for indexing purposes, and the Town of Chincoteague, Party of the second part, pursuant to section 15.2-2272 of the Code of Virginia of 1950, as amended; and

WHEREAS, The Grantors hereby agree and request the vacation of a certain part of Lot 19 on a plat of survey situated in the Town of Chincoteague entitled “Subdivision of Rosslyn Investments, Inc., Venture 2,” located on North Main Street, Chincoteague Island, Accomack County, Virginia, dated September 16, 1967 made by George H. Badger Jr., C.L.S., which shows Lot 19, Newport South Development, said Plat of Survey is recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14, at page 68 within the Town of Chincoteague, and a part of Parcel II of a plat of survey situated as aforesaid entitled “Survey of Property at the Request of Michael McGee, Chincoteague, Accomack Co., VA.” dated March 21, 1985, made by R. L. Beebe, C.E., which plat shows Parcel II, 0.5744 Ac., and is recorded in Deed Book 488 at page 422 with a deed dated March 27, 1985 from Gladys V. Richardson, reference to the said plats being made for a more particular description of the property conveyed and the location of the lot line of the aforesaid Lot 19 to be vacated and relocated into the aforesaid Parcel II as shown on the Plat of Survey entitled “Parcel of Land Surveyed at the request of David Landsberger, Located on Chincoteague, The Island District, Accomack County,

Virginia” dated April 10, 2007, made by Shore Engineering Co., Inc. and to be recorded with this deed.

WHEREAS, the basis of said vacation is at the request of owners of said lots or parcels for the purpose of the addition of land to Lot 19 for the construction of a detached garage to the residence located on Lot 19.

WHEREAS, the said Racing Moon, LLC, N.C.L.T, LLP, John Toffey Dukes, II and Suzanne S. Dukes have requested that the division or property line between Lot 19 and part of Parcel II be vacated so as to result in one (1) lot.

WHEREAS, the notice requirement of §15.2-2272.2 has been complied with,

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. That the property line between Lot 19, Newport South Development of the “Subdivision of Rosslyn Investments, Inc., Venture 2,” located on North Main Street, Chincoteague Island, Accomack County, Virginia, dated September 16, 1967, made by George H. Badger Jr., C.L.S., said plat being recorded in the Clerk’s Office of the Circuit Court of Accomack County, Virginia, in Plat Book 14, at page 68 and a part of Parcel II of “Survey of Property at the Request of Michael McGee, Chincoteague, Accomack Co. VA.” dated March 21, 1985, made by R. L. Beebe, C.E., said plat being recorded as aforesaid in Deed Book 488 at page 422, be vacated and such property line be relocated as follows: Beginning from a point at the southeast corner of Parcel II and the northeast corner of Lot 19, thence North 73 degrees 50 minutes 16 seconds West, 115.17 feet; thence South 69 degrees 14 minutes 00 seconds West 60.00 feet; thence South 29 degrees 20 minutes 57 seconds East 70.00 feet to a pipe on the northwest line of the said Lot 19, 62.25 feet from the northwest corner of Lot 19.

2. That as a result of said vacation former Lots 19 and part of Parcel II shall result in one (1) lot.
3. That the Town Manager after the time for an appeal of the adoption of this Ordinance has expired, or if appealed the action of counsel is upheld, shall cause a copy of this Ordinance to be recorded in the Clerk's Office for the Circuit Court of Accomack County, Virginia.

Ayes: _____

Nays: _____

Approved as of _____, 2007

Mayor

Ordinance Committee Meeting
8 August 2007
MINUTES

Chairman Ross called the meeting to order at 5:35 pm.

Present: Hon. David Ross, Chairman
 Hon. Nancy Conklin
 Hon. Terry Howard

 Mr. Robert Ritter, Town Manager
 Mr. Jared Anderson, Town Planner
 Mr. Watson, Watson Gas
 Mr. Flournoy, Suburban Propane

Public Participation
NONE

Mrs. Conklin made a motion to adopt the agenda as presented. Mr. Ross seconded and the motion was unanimously approved.

1) Consider Adoption of the Revised Chapter 58, Article IV (Sec 107), Minimum Sight Distance at Intersections

Mr. Anderson stated that there is a direct conflict between Chapter 58- Vehicles and Traffic and Section 2.149 of the Zoning Ordinance with regards to Sight Distance Triangles. Both make mention of a sight distance triangle, with different dimensions. Mr. Anderson stated that the Planning Commission has already addressed this issue by recommending that Section 2.149 of the Zoning Ordinance be repealed. The Planning Commission however recommended that Section 58-107 be amended to increase the size of the sight distance triangle from “10 feet from an intersecting street” to “15 feet from an intersecting street.” Councilwoman Conklin made a motion and a second by Councilman Howard and was unanimous, to make a recommendation to Council that Section 58-107 Erections of Obstructions be amended as follows:

No person, firm, or entity owning, leasing or otherwise in possession of real estate in the town, which real estate is situated adjacent to any highway, street, or public right-of-way, including any sidewalk adjoining thereto, shall erect, place, construct, grow, or otherwise maintain on such real estate or the sidewalk adjacent thereto any improvement, permanent or temporary; any structure; any sign; any banner; any tree, shrubbery, or vine; or any other object or thing which prohibits, restricts, or impedes the operator of any motor vehicle utilizing any highway, street, or public way which intersects with the highway, street or public way adjacent to such real estate from having an unobstructed line of sight of at least 250 feet from the intersection of such highway, street, or public way to observe approaching motor vehicles traveling on the highway, street, or public way adjacent to such real estate. The line of sight will be measured at a point ~~ten~~ **fifteen** feet back from the intersecting street.”

2) Retrofitting Fuel Tanks with Anchors, Presentation by Jared Anderson

Mr. Anderson gave a PowerPoint presentation to the committee introducing the issue of retrofitting fuel tanks with anchors to mitigate some of the damage that might be caused by a flood event. He explained that Chincoteague is part of the National Flood Insurance Program (NFIP) and the Community Rating System (CRS). Because the entire island is in a floodplain people living on the island are required to have flood insurance if they have a mortgage. FEMA requires that all new and substantially improved properties must have their fuel tanks properly anchored; however there is no requirement for existing fuel tanks to be anchored.

Mr. Anderson stated that the main reason that he was coming before the Committee to discuss this issue is for informational purposes. Councilman Howard stated that there is going to be an expense, but he was wondering if by anchoring the fuel tanks the Town might be able to receive a higher CRS rating and thus lower insurance rates. Mr. Anderson said that is something that staff is considering.

A short video by FEMA was shown that explained why fuel tanks need to be anchored and how to anchor them properly and inexpensively.

Councilwoman Conklin asked what the service providers used to anchor their tanks. Mr. Watson of Watson Gas in Atlantic said they use an 18 inch anchor attached to a 3/16" cable. Since the propane tanks are the property of the service provider they are also liable for the tanks if anything should happen. Mr. Watson stated that hazard-wise propane is probably more of a concern, but environmental-wise oil is more of a concern.

Councilman Howard stated that anchors on Chincoteague would probably need to be stronger than the Mainland. Mr. Flournoy of Suburban Propane stated that it is not the length of the anchor that is as important as much as it is the diameter of the anchor. He also commented that fuel oil tanks are much thinner than propane tanks and could puncture more easily.

Councilman Howard is pleasantly surprised that the job of retrofitting could be done relatively inexpensively with anchors. He also likes the idea of having a grace period so that people/service providers have time to get things together. There will be no action taken by the Committee at this time since the purpose of this agenda item was primarily for informational reasons.

3) Committee Members Comments

NONE

Chairman Ross moved to adjourn the meeting. Councilman Howard seconded and the motion was unanimously approved.

MINUTES OF THE AUGUST 8, 2007
HARBOR COMMITTEE

The Harbor Committee Meeting was held on August 8, 2007 at 7:30 p.m. with Chairman Howard presiding. Committee members present were Councilman David Ross, Mr. Ernie Bowden, and Mr. Mike Handforth. Council Staff members present were Wayne Merritt, Harbor Master and Robert Ritter, Town Manager

Call to Order.

Chairman Howard called the meeting to order at 7:34 pm. No one was present for the public participation portion of the meeting.

Agenda Adoption.

Mr. Handforth moved, seconded by Councilman Ross, to adopt the agenda. The motion was unanimously approved.

1. Harbor Master Update (Wayne Merritt).

Mr. Merritt reported that subleasing were picking up a bit but still down when comparing to last year at this time.

Five (5) slips may be coming open this up coming month, with one 25 foot slip, one 30 foot slip, and three 40 foot slips. I will be contacting the individuals next on the list to offer the slips to. Currently we do not have any commercial fisherman on the list at the present time, so we will begin with the list of recreation use from those on the Island first.

Mr. Merritt reported that he will bring more information to the table on a second floating dock as discussed at a previous meeting; currently I am still gathering information for the next meeting.

Mr. Merritt discussed that were having a big problem this year with complaints about the fish cleaning table. He reported that Waste Management was not picking up the waste cans as required and the problem has been fixed. He mentioned the waste cans and the fish cleaning table has been bleached on a regular basis

Mr. Merritt discussed a few problems that we were having with some slip holders (i.e. late paying lease fee, subleasing there slips, and complaints). Sent a letter for payment to Slip 19 with last years address and the letter came back, a boat is in his slip. We will place a note on the boat to get up with harbor master as soon as possible for payment. A few more none payment issues were also brought up by the Harbor Master. Another issue was two signatures on a lease; the committee suggested having the harbor master send a letter with a new lease to have signed by only the original lease holder.

2. Restroom Update.

Mr. Merritt stated office/restroom building and the addition of shower facilities at the downtown restrooms were awarded by Council at their last Council meeting to Rocky Hill Contracting, Inc. of Kenbridge, VA, for \$156,095. This amount was just about seventy thousand dollars cheaper than previous bid.

3. Committee Member Comments.

Mr. Bowden wanted to know how cars were parking around the loading dock. Mr. Merritt explained it happened once because of parking lot overflow. He also mentioned that he will begin giving out parking tickets to cars with trailers parking perpendicular to the striped lines.

Adjournment.

Chairman Howard announced that the next meeting will be on October 10, 2007 at 7:30 pm. Mr. Bowden moved, seconded by Mr. Handforth, to adjourn the meeting at 8:26 pm. The motion was unanimously approved.

Recreation and Community Enhancement Committee Meeting
August 21 2007
MINUTES

Members Present

Hon. Anita W. Speidel, Chairwoman
Hon. Ellen W. Richardson
Hon. E. David Ross
Mrs. Cathy Plant

Mr. Gene Wayne Taylor
Mr. Jack Van Dame
Mr. Robert Conklin

Mr. Robert Ritter, Town Manager
Mr. Mike Cosby, Public Works Director
Mr. Jared Anderson, Director of Planning

1. Call to Order.

Chairwoman Speidel called the meeting to order at 6:35 p.m.

2. Open Forum- Public Participation

Mr. Ray Rosenberger has concerns over the children that are playing at the skate park who are not wearing protective gear such as helmets. Members of the committee discussed the possibility of installing a surveillance camera at Memorial Park so as to deter kids from skating without protective gear. Other ideas include putting an advertisement in the paper to threaten closure of Skate Park if someone is seen skating without protective gear. Also give violations out to kids using Skate Park without protective gear in hopes that it deters others.

3. Agenda Adoption.

Councilman Ross made a motion to adopt the agenda as presented, seconded Mr. Robert Conklin. The motion was unanimously approved.

4. Maintenance Code Review

Mr. Anderson addressed the concept of a maintenance code for Chincoteague. The town already has Chapter 46-Solid Waste which addresses some of the concerns of accumulation of trash.

The first document in the agenda packet is an excerpt from the International Code Council's Property Maintenance Code. The state of Virginia has only adopted portions of this code, and it is only the sections that were adopted by the state that the Town can also adopt. Therefore this Code book should be looked at as a foundation. The second document is part of the Municipal Code of Virginia Beach, Chapter 23 which can be used as a model with which the Town of Chincoteague could follow. Councilwoman Richardson asked who would enforce these types of codes if adopted. Mr. Anderson stated that it would be under the Town Code and thus the Code Enforcement Officer would be in charge of enforcement.

The idea behind presenting this to the committee was to get ideas so that staff could possibly bring back more information. Once there is enough information the issue could be sent to the ordinance committee. The topic of whether the Town can mow someone's lawn and then charge them arose. Mr. Ritter stated that instead of charging them with a criminal offense, put a lien on their property. This topic needs to be researched because it was unclear if this is permissible or not.

5. Playground Equipment Assessment

Mr. Anderson gave a PowerPoint presentation on the playground equipment at Memorial Park. The presentation went over all the play equipment that was currently at the Park and what general condition each piece was in. The only thing Mr. Anderson and Mr. Van Dame found that would need immediate attention is a hole in the wooden ship that is approximately 5 feet about ground.

Mr. Conklin stated that it might be advantageous to bring in a certified inspector to look at all the play equipment before the Town purchases any new equipment. Councilwoman Richardson stated that we might be able to borrow the services of Mr. Mike Tolbert from the Schools to help us.

One of the main ideas for the committee to think about is whether to keep all the equipment and just add new items, or do we want to replace items, or rather do we want to move some equipment to the downtown park or somewhere else on the island?

The town also needs to consider safety and ADA compliance when purchasing new play equipment.

6. Committee Member Comments.

Mrs. Plant has concerns about the increased amount of geese that are coming to Memorial Park. They are coming here earlier and in greater numbers. She was wondering what the town could do to lessen the number.

Councilwoman Richardson said that a gentleman by the name of Chris Gearing from Denver, CO asked her if he could pay to put a bench in Memorial Park in honor of his mother who had a home here. It was suggested that he could also put bricks down in the downtown area in her memory. This item needs to be on the next agenda for the Committee.

Councilman Ross asked how the trail on the North end of Hallie Whealton Smith Road is coming. Mr. Ritter stated that there was a group of staff and Jerry Tracey who did a walkthrough last month. The Town needs to come up with a plan to show where the trail will be exactly, and then come back to Mr. Tracey. Staff is waiting till some of the foliage comes down so they can use the gps to map out the trail.

The next meeting will be Tuesday September 18 at 6:30 pm after the Budget and Personnel Meeting.

7. Adjournment.

Councilwoman Richardson moved, seconded by Councilman Ross, to adjourn the meeting. The motion was unanimously approved.